

I-821A TPS-Filing Instructions

Filing Instructions for Temporary Protected Status (TPS) Applicants from Honduras and Nicaragua:

- **How do I register for Temporary Protected Status (TPS)?**

Nationals of Nicaragua or Honduras (or eligible aliens who have no nationality and who last habitually resided in Nicaragua or Honduras) must submit a Form I-821, Application for Temporary Protected Status, and a Form I-765, Application for Employment Authorization. Also submit two (2) photographs, (1 1/2" x 1 1/2"), and supporting evidence of nationality and United States residency since December 30, 1998. **You must complete and submit a Form I-765, Application for Employment Authorization, even if you already have or do not require employment authorization. Do not submit a completed FD-258 fingerprint card with your application. After INS receives your application, you will receive a notice to appear for fingerprinting.**

- **Where should I register for TPS?**

If you are filing as a national of Honduras or Nicaragua you should file your applications with the INS Service Center having jurisdiction over the state in which you live. For nationals of other designated TPS countries, file your application in accordance with the instructions contained in Form I-821, Application for Temporary Protected Status.

If you live in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia or in the U.S. Virgin Islands, mail your application to:

Vermont Service Center
ATTN: TPS
75 Lower Welden Street
St. Albans, VT 05479

If you live in Arizona, California, Guam, Hawaii or Nevada, mail your application to:

California Service Center
ATTN: TPS
P.O. Box 10821
Laguna Niguel, CA 92607-0821

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee or Texas, mail your application to:

Texas Service Center
P.O. Box 850997
Mesquite, TX 75185-0997

If you live elsewhere in the United States, please mail your application to:

Nebraska Service Center
P.O. Box 87821
Lincoln, NE 68501-7821

- **How much will it cost?**

Please file your TPS registration with the following fees:

I-821 Application for Temporary Protected Status	\$ 50.00
I-765 Application for Employment Authorization	\$100.00*
Fingerprinting Fee	\$ 25.00
TOTAL	\$175.00*

* If you already have or do not require employment authorization, you are exempt from the employment authorization fee of \$100.00. You may request a fee waiver for the I-821 and I-765 fees by completing and submitting an appropriately documented fee waiver request and requisite affidavit in accordance with 8 CFR 244.20. All applicants 14 years of age and older must submit the \$25 fingerprint fee. There is no waiver for the fingerprinting fee.

- **How can I get information on my case?**

For information before you file, please call 1-800-375-5283 or visit the INS website at <http://www.ins.usdoj.gov>.

After you submit your registration package, you will receive a receipt from the Service Center. If you have questions, please contact the Service Center at the phone number listed on your receipt.

For Further Information: See 64 Federal Register (FR) 524 (Hondurans) and 64 FR 526 (Nicaraguans) for more complete information regarding Temporary Protected Status. See Title 8, Code of Federal Regulations 103.7(b) and 63 FR 43604 for information regarding application fees. See 63 FR 12979 for information regarding fingerprinting procedures and fees.

INSTRUCTIONS

Please read carefully. An incomplete application may be returned to you, causing a delay in the processing of your application. If you need more space to complete an answer, add continuation sheets.

1. May you file for TPS?

You must be an eligible national of a foreign state (or parts thereof) or an alien having no nationality who last habitually resided in a foreign state that has been designated for Temporary Protected Status (TPS) by the Attorney General pursuant to section 244A of the Immigration and Nationality Act. You should check with the nearest office of the Immigration and Naturalization Service (INS) for designations currently in force, or visit the INS website at www.ins.usdoj.gov.

2. What documents do you need?

You do not need to provide original documents with this application. You must give INS copies of documents to prove you are a national of the country designated for Temporary Protected Status, your date of entry into the United States, and your residence in the United States.

- A. INS may still require original documents from you in certain circumstances.
- B. Copies of documents in a foreign language must be accompanied by an English translation. The translator must certify that the translation is accurate and that he or she is competent to translate the foreign language into English.
- C. **Exception:** If you are filing this application for annual registration/re-registration purposes (Parts 1 and 2 on Form I-821), you do not have to submit any copies of documentation. You may, however, be asked for additional information and/or documentation in certain circumstances.

3. What documents do you need to prove identity and nationality?

Submit any of the following:

- A. Passport;
- B. Birth certificate accompanied by photo identification; or
- C. Any national identity document from your country of origin bearing your photo and/or fingerprint.

4. What documents do you need to prove date of entry into the United States?

Submit any of the following:

- A. Passport;
- B. I-94 Arrival/Departure Record;
- C. Copies of documents specified in item Number 5, immediately below.

5. What documents do you need to prove residence in the United States?

Submit any relevant documents such as:

- A. Employment records (e.g. pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, state verification of the filing of state income tax returns, letters from employer(s) or, if you are self employed, letters from banks and other firms with whom you have done business.

In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters from employers must be in affidavit form and shall be signed and attested to by the employer under penalty of perjury.

Such letters must include: (1) your address(es) at the time of employment; (2) exact period(s) of employment; (3) period(s) of layoff; (4) duties with the company. If the records are unavailable, an affidavit form-letter stating that your employment records are unavailable and why such records are unavailable may be accepted. This affidavit form-letter shall be signed and attested to by the employer under penalty of perjury.

- B. Rent receipts, utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing the dates during which you received service.
- C. School records (letters, report cards, etc.) from the schools that you or your children have attended in the United States showing the name(s) of the schools and periods of school attendance.
- D. Hospital or medical records concerning treatment or hospitalization of you or your children, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization.
- E. Attestations by churches, unions or other organizations to your residence by letter that identify you by name; are signed by an official (whose title is shown); show inclusive dates of membership; state the address where you resided during membership period(s); include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationery; establish how the author knows you; and establish the origin of the information being attested to.
- F. Additional documents may include money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; bank books with dated transactions; correspondence between you and another person or organization; Social Security card; Selective Service card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, contracts to which you have been a party; tax receipts; insurance policies; receipts; or letters; or

6. What if documents are not available?

- G. Any other relevant document.

If documents are not available, you may give INS an affidavit showing proof of unsuccessful efforts to obtain the documents, explaining why the consular process is

unavailable (for identity documents), and affirming that you are a national of the designated state. Affidavits may also be used to help prove date of entry into the United States and residence in the United States. (INS may require a statement from the appropriate issuing authority, certifying that the needed document is not available.)

7. What else is required to be submitted with this application?

Submit two color photos of you taken within 30 days of the date of this application. The photos must have a white background, must be glossy, unretouched and not mounted. The dimension of the facial image should be about one inch from the chin to the top of the hair in a 3/4 frontal view, showing the right side of the face with the right ear visible. Using pencil or felt pen, lightly print name (and Alien Registration Number, if any) on the back of the photographs.

8. How should you prepare this form?

- A. Type or print legibly in black or dark blue ink.
- B. If you need extra space to complete any item, attach a continuation sheet, indicate the item number and date and sign each sheet.
- C. Answer all questions fully and accurately. If any item does not apply, please write "N/A."

9. Where should you file this form?

The INS office having jurisdiction over your place of residence will accept this application, either in person or through the mail, or both. You should inquire at the local INS office for filing instructions.

10. What is the fee?

First time applicants for Temporary Protected Status must pay a \$50.00 application fee and a separate fee of \$50.00 for fingerprinting services. There is no application fee for re-registration. All fees, except those presented when filing in person, must be in the form of a money order, cashier's check or certified bank check. **NO PERSONAL CHECKS OF ANY TYPE WILL BE ACCEPTED.** Cash is acceptable only when you present an application in person. **DO NOT MAIL CASH.**

All money orders, cashier's checks or certified bank checks must be made payable in U.S. currency at a financial institution in the United States. Please assure that if a check or money order is drawn on the account of a person other than yourself, your name appears in the lower left corner on the face of the check or money order. If the check is not honored, INS will charge you \$30.00.

Make the check or money order payable to "Immigration and Naturalization Service," except:

- A. if you live in Guam and are filing your application there, make the check or money order payable to "Treasurer, Guam" or
- B. if you live in the U.S. Virgin Islands and you are filing your application there, make the check or money order payable to "Commissioner of Finance of the Virgin Islands."

11. Employment authorization and travel.

- A. Form I-765 is required for all TPS applicants, regardless of age, and regardless whether employment authorization is sought because the I-765 is the data entry document used for the Temporary Protected Status Program.

You may be charged a fee for filing the I-765, depending on the differing statutory and regulatory requirements that apply to you. Generally, if you need an employment authorization document, you must pay the application fee.

- B. If your application for Temporary Protected Status is granted and you want to travel outside the United States and return, you must request advance parole from the INS district director having jurisdiction over your residence and pay the prescribed fee. A Form I-512 travel document will be issued to you if your request for advance parole is granted.

12. May the filing fees for Forms I-821 and I-765 be waived?

Yes. If you are poor and unable to pay the filing fees, 8 CFR 103.7(c) states that you may apply for a waiver of the filing fees. In order to obtain a fee waiver, you must submit with these forms a written statement, made under oath, affirmation, or pursuant to 28 USC 1746, under penalty of perjury. In the written statement you must indicate that you believe you are eligible for Temporary Protected Status and that you want the filing fees waived. You must also indicate why you are unable to pay the required fees.

13. Do TPS applicants need to be fingerprinted?

If you are over the age of 14 years and filing for Temporary Protected Status for the first time, you need to be fingerprinted. You must submit the required fingerprinting \$50.00 fee with your application.

After receiving your application, the INS will provide you with an appointment letter advising you where and when to get your fingerprints taken at an INS authorized fingerprinting site.

NOTE: If you are filing this application for TPS annual/re-registration purposes, you do not need to be fingerprinted.

14. What is our authority for collecting information?

We request the information on the form to carry out the immigration laws contained in Title 8, United States Code, Section 1154(a). We need this information to determine whether you are eligible for immigration benefits. The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies. You do not have to give this information. However, if you do not give some or all of it, your application may be denied.

15. Reporting burden.

Under the Paperwork Reduction Act, an agency may not conduct or sponsor an information collection. A person is not required to respond to an information collection unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can easily be understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete this application is 1 hour and 30 minutes computed as follows: 1) learning about the form and understanding the instructions, 30 minutes; 2) collecting the necessary supporting documents 15 minutes; 3) completing the form, 15 minutes; and 4) traveling to and waiting at a preparer's office (e.g. attorney or voluntary agency), 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, HQPDI, 425 I Street, N.W.; Room 4034, Washington, DC 20536; OMB No. 1115-0170. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

START HERE - Please Type or Print

Part 1. Type of application (check one)

1. _____ This is my first application to register for Temporary Protected Status.
 2. _____ This is my application for annual registration/re-registration. I have previously been granted Temporary Protected Status. I have maintained and continue to maintain the conditions of eligibility for Temporary Protected Status.

Part 2. Information about you

Family Name	First	Middle Initial
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U.S. Mailing Address - Care of

Street Number and Name	Apt. #
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Town/City	County
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State	Zip Code
-------	----------

Place of Birth (Town or City)	(State/Country)
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Country of Residence	Country of Citizenship
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Date of Birth (month/day/year)	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
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Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widowed	Other Names Used (including maiden name)
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Date of entry into the U.S.	Place of entry into the U.S.
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Manner of Arrival (Visitor, student, stowaway, without inspection, etc.)

Arrival/Departure Record (I-94) Number	Date authorized stay expired/or will expire, as shown on Form I-94 or I-95
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Your current immigration status
In status (state nonimmigrant classification, e.g. F-1, etc.)

Out of status (state nonimmigrant violation, e.g., overstay student, EWI etc.)

Alien Registration Number (If any)	Social Security Number (if any)
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Are you now or have you ever been under immigration proceedings?
 Yes No Where _____ When _____
 Exclusion Removal/Deportation Recission Judicial Proceedings

Part 3. Information about your spouse and children (if any)

Last Name of Spouse	First	Middle Initial
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Address (Street Number and Name)	Apt #
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Town/City	State
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Country	Zip/Postal Code
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Continued on next page.

FOR INS USE ONLY

Remarks

Action Stamp

Fee Stamp

Case ID#:
A#:

To Be Completed by Attorney or Representative, if any Fill in box if G-28 is attached to represent the applicant
VOLAG#
ATTY State License #

Part 3. Information about your spouse and children (continued)

Date of Birth	Date and Place of Present Marriage
Name of Prior Husbands/Wives	Date(s) Marriage(s) Ended

List the names, ages and current residence of any children

Name - (Last)	(First)	Middle Initial	Date of Birth	Residence

Part 4. Eligibility standards.

1. **Fill in the necessary information:**

I am a national of, or an alien having no nationality who last habitually resided in the foreign state _____ and I entered the United States on _____, and I have resided in the United States since that time.

If any of the statements below apply to you, indicate which one(s) by numbered reference on the line below (for example "2 k") and include a full explanation on a separate sheet(s) of paper. If you were ever arrested, you should provide the disposition (outcome) of the arrest (for example, "case dismissed") from the appropriate authority.

PLEASE NOTE: If you placed any of the following numbered references on the line above, you may be eligible for a waiver of the grounds described in the statements: 2e; 2f; 2g; 2h; 2i; 2j; 2k; 2l; 2m; 2n or 2o. The I-601 or I-724 are INS forms used to request a waiver. These forms are available at local INS offices or by calling the INS toll-free forms line at 1-800-870-3676.

2. To be eligible for Temporary Protected Status, you must be admissible as an immigrant to the United States, with certain exceptions. Do any of the following apply to you?

- a. have you been convicted of any felony or two or more misdemeanors committed in the United States;
- b. (i) have you ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group or political opinion;
- (ii) have you been convicted by a final judgment of a particularly serious crime, constituting a danger to the community of the United States (an alien convicted of an aggravated felony is considered to have committed a particularly serious crime);
- (iii) have you committed a serious nonpolitical crime outside of the United States prior to your arrival in the United States; or
- (iv) have you engaged in or are you still engaged in activities that could be reasonable grounds for concluding that you are a danger to the security of the United States;

Part 4. Eligibility standards (continued)

- c. (i) have you been convicted of, or have you committed acts which constitute the essential elements of a crime (other than a purely political offense) or a violation of or a conspiracy to violate any law relating to a controlled substance as defined in Section 102 of the Controlled Substance Act;
- (ii) have you been convicted of two or more offenses (other than purely political offenses) for which the aggregate sentences to confinement actually imposed were five years or more;
- (iii) have you trafficked in or do you continue to traffic in any controlled substance or are or have been a knowing assister, abettor, conspirator, or colluder with others in the illicit trafficking of any controlled substance;
- (iv) have you engaged or do you continue to engage solely, principally, or incidentally in any activity related to espionage or sabotage or violate any law involving the export of goods, technology, or sensitive information, any other unlawful activity, or any activity the purpose of which is in opposition, or the control, or overthrow of the government of the United States;
- (v) have you engaged in or do you continue to engage in terrorist activities;
- (vi) have you engaged in or do you continue to engage or plan to engage in activities in the United States that would have potentially serious adverse foreign policy consequences for the United States;
- (vii) have you been or do you continue to be a member of the Communist or other totalitarian party, except when membership was involuntary; and
- (viii) have you participated in Nazi persecution or genocide;
- d. have you been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations, or been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action;
- e. have you committed a serious criminal offense in the United States and asserted immunity from prosecution;
- f. have you within the past ten years engaged in prostitution or procurement of prostitution or do you continue to engage in prostitution or procurement of prostitution;
- g. have you been or do you intend to be involved in any other commercial vice;
- h. have you been excluded and deported from the United States within the past year, or have you been deported or removed from the United States at government expense within the last five years (20 years if you have been convicted of an aggravated felony);
- i. have you ever assisted any other person to enter the United States in violation of the law;
- j. (i) do you have a communicable disease of public health significance,
- (ii) do you have or have you had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety or welfare of yourself or others;
- (iii) are you now or have you been a drug abuser or drug addict;
- k. have you entered the United States as a stowaway;
- l. are you subject to a final order for violation of section 274C (producing and/or using false documentation to unlawfully satisfy a requirement of the Immigration and Nationality Act);
- m. do you practice polygamy;
- n. were you the guardian of, and did you accompany another alien who was ordered excluded and deported (or removed) from the United States;
- o. have you detained, retained, or withheld the custody of a child, having a lawful claim to United States citizenship, outside the United States from a United States citizen granted custody?

Part 5. Your certification

Your certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Copies of documents submitted are exact photocopies of unaltered original documents and I understand that I may be required to submit original documents to INS at a later date. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

Signature: _____ Date: _____ Telephone No.: _____

Signature of person preparing form, if other than above:

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Print Name: _____ Signature: _____ Date: _____

Address: _____

Part 6. Checklist

- Did you answer each question?
- Did you sign the Form I-821 application?
- If you are a first time TPS applicant, did you submit the required application and fingerprinting fees?
- Did you submit the necessary documents and photos, if so required?
- Did you also submit the Form I-765 and fee, if required to pay the fee?

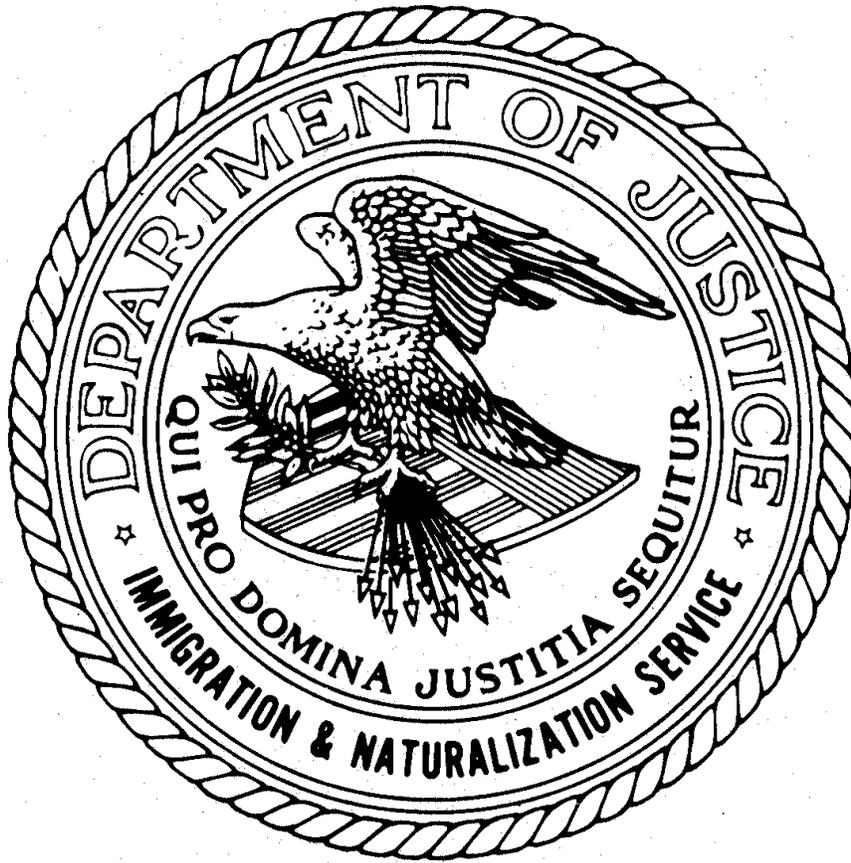
Have you submitted:

- the filing fee for this application or a written request for a waiver of the filing fee (see instructions, item 12)?
- supporting evidence to prove identity, nationality, date of entry and residence?
- other required supporting documents (photos, etc.) for each application?

Do you need additional information?:

It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the instructions and still have questions, please contact your nearest INS office. It is recommended that you keep a copy of this application and supporting documents for your records. For additional information, call our National Customer Service Center toll-free number at 1-800-375-5283 or visit the INS internet web site at www.ins.usdoj.gov.

Application for Employment Authorization



**Instructions for
Application for Employment Authorization**

The Immigration and Naturalization Service (INS) recommends that you retain a copy of your completed application for your records.

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Part 2. Eligibility Categories.

The INS adjudicates a request for employment authorization by determining whether an applicant has submitted the required information and documentation, and whether the applicant is eligible. In order to determine your eligibility, you must identify the category in which you are eligible and fill in that category in question 16 on the Form I-765. Enter only **one** of the following category numbers on the application form.

NOTE: Category (c)(13) is no longer available. You may not renew or replace your EAD based on (c)(13). If you have an EAD based on that category, please review the categories below to determine if you are eligible under another category.

Asylee/Refugee and Related Categories

Refugee--(a)(3). File your EAD application with either a copy of your Form I-590, Registration for Classification as Refugee, approval letter or a copy of a Form I-730, Refugee/Asylee Relative Petition, approval notice.

Paroled as a Refugee--(a)(4). File your EAD application with a copy of your Form I-94, Departure Record.

Asylee, (granted asylum)--(a)(5). File your EAD application with a copy of the INS letter granting you asylum. It is not necessary to apply for an EAD as an asylee until 90 days before the expiration of your current EAD.

Asylum Applicant (with a pending asylum application) who Filed for Asylum on or after January 4, 1995--(c)(8). If you filed a Form I-589, Request for Asylum and for Withholding of Deportation, on or after January 4, 1995, you must wait at least 150 days before you are eligible to apply for an EAD. If you file your EAD application early, it will be denied and you will have to file a new application. File your EAD application with:

- A copy of the INS acknowledgement mailer which was mailed to you; or
- Other evidence that your Form I-589 was filed with the INS; or
- Evidence that your Form I-589 was filed with an Immigration Judge at the Executive Office for Immigration Review (EOIR); or
- Evidence that your asylum application remains under administrative or judicial review.

Part 1. General.

Purpose of the Application. Certain aliens who are temporarily in the United States may file a Form I-765, Application for Employment Authorization, to request an Employment Authorization Document (EAD). Other aliens who are authorized to work in the United States without restrictions should also use this form to apply to the INS for a document evidencing such authorization. Please review Part 2 ELIGIBILITY CATEGORIES to determine whether you should use this form.

If you are a Lawful Permanent Resident, a Conditional Resident, or a nonimmigrant authorized to be employed with a specific employer under 8 CFR 274a.12(b), please do **NOT** use this form.

Definitions.

Employment Authorization Document (EAD): Form I-688; Form I-688A; Form I-688B; or any successor document issued by the INS as evidence that the holder is authorized to work in the United States.

Renewal EAD: an EAD issued to an eligible applicant at or after the expiration of a previous EAD issued under the same category.

Replacement EAD: an EAD issued to an eligible applicant when the previously issued EAD has been lost, stolen, mutilated, or contains erroneous information, such as a misspelled name.

Interim EAD: an EAD issued to an eligible applicant when the INS has failed to adjudicate an application within 90 days of receipt of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995. The interim EAD will be granted for a period not to exceed 240 days and is subject to the conditions noted on the document.

Asylum Applicant (with a pending asylum application) who Filed for Asylum and for Withholding of Deportation Prior to January 4, 1995 and is NOT in Exclusion or Deportation Proceedings--(c)(8).

You may file your EAD application at any time; however, it will only be granted if the INS finds that your asylum application is not frivolous. File your EAD application with:

- A complete copy of your previously filed Form I-589; and
- A copy of your INS receipt notice; or
- A copy of the INS acknowledgement mailer; or
- Evidence that your Form I-589 was filed with EOIR; or
- Evidence that your asylum application remains under administrative or judicial review; or
- Other evidence that you filed an asylum application.

Asylum Applicant (with a pending asylum application) who Filed an Initial Request for Asylum Prior to January 4, 1995, and IS IN Exclusion or Deportation Proceedings--(c)(8).

If you filed your Request for Asylum and Withholding of Deportation (Form I-589) prior to January 4, 1995 and you ARE IN exclusion or deportation proceedings, file your EAD application with:

- A date-stamped copy of your previously filed Form I-589; or
- A copy of Form I-221, Order to Show Cause and Notice of Hearing, or Form I-122, Notice to Applicant for Admission Detained for Hearing Before Immigration Judge; or
- A copy of EOIR-26, Notice of Appeal, date stamped by the Office of the Immigration Judge; or
- A date-stamped copy of a petition for judicial review or for *habeas corpus* issued to the asylum applicant; or
- Other evidence that you filed an asylum application with EOIR.

Asylum Application under the ABC Settlement

Agreement--(c)(8). If you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement, American Baptist Churches v. Thornburgh, 760 F. Supp. 976 (N.D. Cal. 1991), please follow the instructions contained in this section when filing your Form I-765.

You must have asylum application (Form I-589) on file either with INS or with an immigration judge in order to receive work authorization. Therefore, please submit evidence that you have previously filed an asylum application when you submit your EAD application. You are not required to submit this evidence when you apply, but it will help INS process your request efficiently.

If you are renewing or replacing your EAD, you must pay the filing fee.

Mark your application as follows:

- Write "ABC" in the top right corner of your EAD application. You must identify yourself as an ABC class member if you are applying for an EAD under the ABC settlement agreement.
- Write "(c)(8)" in Section 16 of the application.

You are entitled to an EAD without regard to the merits of your asylum claim. Your application for an EAD will be decided within 60 days if: (1) you pay the filing fee, (2) you have a complete, pending asylum application on file, and (3) write "ABC" in the top right corner of your EAD application. If you do not pay the filing fee for an initial EAD request, your request may be denied if INS finds that your asylum application is frivolous.

However, if you cannot pay the filing fee for an EAD, you may qualify for a fee waiver under 8 CFR 103.7(c). See instructions in Part 4 regarding eligibility for a fee waiver.

Nationality Categories

Citizen of Micronesia or the Marshall Islands or Palau--(a)(8). File your EAD application if you were admitted to the United States as a citizen of the Federated States of Micronesia (CFA/FSM) or of the Marshall Islands (CFA/MIS) pursuant to agreements between the United States and the former trust territories.

Deferred Enforced Departure (DED) / Extended Voluntary Departure--(a)(11). File your EAD application with evidence of your identity and nationality.

Temporary Protected Status (TPS)--(a)(12). File your EAD application with Form I-821, Application for Temporary Protected Status.

- Initial TPS-based application only: include evidence of identity and nationality as required by the Form I-821 instructions.

Dependent of CCNAA E-1 Nonimmigrant--(c)(2). File your EAD application with the required certification from the American Institute in Taiwan if you are the spouse, or unmarried child, of an E-1 employee of the Coordination Council for North American Affairs.

Dependent of TECRO E-1 Nonimmigrant--(c)(2). File your EAD application with the required certification from the American Institute in Taiwan if you are the spouse, or unmarried dependent child of an E-1 employee of the Taipei Economic and Cultural Representative Office.

Temporary treatment benefits --(c)(19). For and EAD based on 8 CFR 244.5. Include evidence of nationality and identity as required by the Form I-821 instructions.

- Extension of TPS status: include a copy (front and back) of your last available TPS document: EAD, Form I-94 or approval notice.
- Registration for TPS only without employment authorization: file the Form I-765, Form I-821, and a letter indicating that this form is for registration purposes only. No fee is required for the Form I-765 filed as part of TPS registration. (Form I-821 has separate fee requirements.)

NOTE-- If you are using this application to register for TPS only and do not want to work in the United States, you must indicate this application is for registration purposes only. No fee is required to register.

Foreign Student Categories

F-1 Student Seeking Optional Practical Training in an Occupation Directly Related to Studies--(c)(3)(i). File your EAD application with a Certificate of Eligibility of Nonimmigrant (F-1) Student Status (Form I-20 A-B/I-20 ID) endorsed by a designated school official within the past 30 days.

F-1 Student Offered Off-Campus Employment under the Sponsorship of a Qualifying International Organization--(c)(3)(ii). File your EAD application with the international organization's letter of certification that the proposed employment is within the scope of its sponsorship, and a Certificate of Eligibility of Nonimmigrant (F-1) Student Status--For Academic and Language Students (Form I-20 A-B/I-20 ID) endorsed by the designated school official within the past 30 days.

F-1 Student Seeking Off-Campus Employment Due to Severe Economic Hardship--(c)(3)(iii). File your EAD application with Form I-20 A-B/I-20 ID, Certificate of Eligibility of Nonimmigrant (F-1) Student Status--For Academic and Language Students; Form I-538, Certification by Designated School Official, and any evidence you wish to submit, such as affidavits, which detail the unforeseen economic circumstances that cause your request, and evidence you have tried to find off-campus employment with an employer who has filed a labor and wage attestation.

J-2 Spouse or Minor Child of an Exchange Visitor--(c)(5). File your EAD application with a copy of your J-1's (principal alien's) Certificate of Eligibility for Exchange Visitor (J-1) Status (Form IAP-66). You must submit a written statement, with any supporting evidence showing, that your employment is not necessary to support the J-1 but is for other purposes.

M-1 Student Seeking Practical Training after Completing Studies--(c)(6). File your EAD application with a completed Form I-538, Application by Nonimmigrant Student for Extension of Stay, School Transfer, or Permission to Accept or Continue Employment, Form I-20 M-N, Certificate of Eligibility for Nonimmigrant (M-1) Student Status--For Vocational Students endorsed by the designated school official within the past 30 days.

Employment-Based Nonimmigrant Categories

Dependent of A-1 or A-2 Foreign Government Officials--(c)(1). Submit your EAD application with a Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to or from A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization, through your diplomatic mission to the Department of State. The Department of State forwards to the Nebraska Service Center all favorably endorsed applications for adjudication of the application. (No fee is required.)

Dependent of G-1, G-3 or G-4 Nonimmigrant--(c)(4). Submit your EAD application with a Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to or from A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization, through your organization to the Department of State. The Department of State will forward to the Nebraska Service Center all favorably endorsed applications for adjudication of the application. (No fee is required.)

Dependent of NATO Personnel--(c)(7). Submit your EAD application with Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to, or from, A or G Status; or Requesting A, G or NATO Dependent Employment Authorization, to NATO SAACLANT/C-027, 7857 Blandy Road Suite 100, Norfolk, VA 23551-2490. NATO/SAACLANT will review, request, and favorably endorse the Form I-566 if NATO dependent is eligible to request work authorization and forward entire packet to the Nebraska Service Center for adjudication. (No fee is required.)

B-1 Nonimmigrant who is the personal or domestic servant of a nonimmigrant employer--(c)(17)(i). File your EAD application with:

- Evidence from your employer that he or she is a B, E, F, H, I, J, L, M, O, P, R, or TN nonimmigrant and you were employed for at least one year by the employer before the employer entered the United States or your employer regularly employs personal and domestic servants and has done so for a period of years before coming to the United States; and
- Evidence that you have either worked for this employer as a personal or domestic servant for at least one year or, evidence that you have at least one year's experience as a personal or domestic servant; and
- Evidence establishing that you have a residence abroad which you have no intention of abandoning.

B-1 Nonimmigrant Domestic Servant of a U.S. Citizen--(c)(17)(ii). File your EAD application with:

- Evidence from your employer that he or she is a U.S. citizen; and
- Evidence that your employer has a permanent home abroad or is stationed outside the United States and is temporarily visiting the United States or the citizen's current assignment in the United States will not be longer than four (4) years; and
- Evidence that he or she has employed you as a domestic servant abroad for at least six (6) months prior to your admission to the United States.

B-1 Nonimmigrant Employed by a Foreign

Airline--(c)(17)(iii). File your EAD application with a letter from the airline fully describing your duties and indicating that your position would entitle you to E nonimmigrant status except for the fact that you are not a national of the same country as the airline or because there is no treaty of commerce and navigation in effect between the United States and that country.

Family-Based Nonimmigrant Categories

K-1 Nonimmigrant Fiance(e) of U.S. Citizen or K-2

Dependent--(a)(6). File your EAD application if you are filing within 90 days from the date of entry. This EAD cannot be renewed. Any EAD application other than for a replacement must be based on your pending application for adjustment under (c)(9).

K-3 Nonimmigrant Spouse of U.S. Citizen or K-4

Dependent--(a)(9). File your EAD application along with evidence of your admission such as copies of your Form I-94, passport, and K visa to: **USINS, P.O. Box 7218, Chicago, IL 60680-7218.**

Family Unity Program--(a)(13). File your EAD application with a copy of the approval notice, if you have been granted status under this program. You may choose to file your EAD application concurrently with your Form I-817, Application for Voluntary Departure under the Family Unity Program. The INS may take up to 90 days from the date upon which you are granted status under the Family Unity Program to adjudicate your EAD application. If you were denied Family Unity status solely because your legalized spouse or parent first applied under the Legalization/SAW programs after May 5, 1988, file your EAD application with a new Form I-817 application and a copy of the original denial. However, if your EAD application is based on continuing eligibility under (c)(12), please refer to **Deportable Alien Granted Voluntary Departure.**

LIFE Family Unity--(a)(14). If you are applying for initial employment authorization pursuant to the Family Unity provisions of section 1504 of the LIFE Act Amendments, or an extension of such authorization, you should not be using this

form. Please obtain and complete a Form I-817, Application for Family Unity Benefits. If you are applying for a replacement EAD that was issued pursuant to the LIFE Act Amendments Family Unity provisions, file your EAD application with the required evidence listed in Part 3.

V-1, 2 or 3 Nonimmigrant--(a)(15). If you have been inspected and admitted to the United States with a valid V visa, file this application along with evidence of your admission, such as copies of your Form I-94, passport, and K visa. If you have been granted V status while in the United States, file this application along with evidence of your V status, such as an approval notice. If you are in the United States but you have not yet filed an application for V status, you may file this application at the same time as you file your application for V status. INS will adjudicate this application after adjudicating your application for V status. All V related application for employment authorization should be sent to **USINS, P.O. Box 7216, Chicago, IL 60680-7216.**

Adjustment of Status Categories

Adjustment Applicant--(c)(9). File your EAD application with a copy of the receipt notice or other evidence that your Form I-485, Application for Permanent Residence, is pending. You may file Form I-765 together with your Form I-485.

Adjustment Applicant Based on Continuous Residence Since January 1, 1972--(c)(16). File your EAD application with your Form I-485, Application for Permanent Residence; a copy of your receipt notice; or other evidence that the Form I-485 is pending.

Other

N-8 or N-9 Nonimmigrant--(a)(7). File your EAD application with the required evidence listed in Part 3.

Granted Withholding of Deportation--(a)(10). File your EAD application with a copy of the Immigration Judge's order. It is not necessary to apply for a new EAD until 90 days before the expiration of your current EAD.

NACARA Section 203 Applicants who are eligible to apply for NACARA relief with INS--(c)(10). See the instructions to Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal, to determine if you are eligible to apply for NACARA 203 relief with INS.

If you are eligible, follow the instructions below and submit your Form I-765 at the same time you file your Form I-881 application with INS:

- If you are filing a Form I-881 with INS, file your EAD application at the same time and at the same filing location. Your response to question 16 on the Form I-765 should be "(c)(10)."

- If you have already filed your I-881 application at the service center specified on the Form I-881, and now wish to apply for employment authorization, your response to question 16 on Form I-765 should be "(c)(10)." You should file your EAD application at the Service Center designated in Part 5 of these instructions.
- If you are a NACARA Section 203 applicant who previously filed a Form I-881 with the INS, and the application is still pending, you may renew your EAD. Your response to question 16 on Form I-765 should be "(c)(10)." Submit the required fee and the EAD application to the service center designated in Part 5 of these instructions.

Applicant for Suspension of Deportation--(c)(10). File your EAD application with evidence that your Form I-256A, Application for Suspension of Deportation, is pending.

Paroled in the Public Interest--(c)(11). File your EAD application if you were paroled into the United States for emergent reasons or reasons strictly in the public interest.

Deportable Alien Granted Voluntary Departure--(c)(12). File your EAD application with a copy of the order or notice granting voluntary departure, and evidence establishing your economic need to work.

Deferred Action--(c)(14). File your EAD application with a copy of the order, notice or document placing you in deferred action and evidence establishing economic necessity for an EAD.

Final Order of Deportation--(c)(18). File your EAD application with a copy of the order of supervision and a request for employment authorization which may be based on, but not limited to the following:

- Existence of economic necessity to be employed;
- Existence of a dependent spouse and/or children in the United States who rely on you for support; and
- Anticipated length of time before you can be removed from the United States.

LIFE Legalization applicant--(c)(24). We encourage you to file your EAD application together with your Form I-485, Application for Permanent Residence to facilitate processing. However, you may file Form I-765 at a later date with evidence that you were a CSS, LULAC, or Zambrano class member applicant before October 1, 2000 and with a copy of the receipt notice or other evidence that your Form I-485 is pending.

Part 3. Required Documentation With Each Application.

All applications must be filed with the documents required below, in addition to the evidence required for the category listed in Part 2 ELIGIBILITY CATEGORIES, with fee, if required.

If you are required to show economic necessity for your category (See Part 2), submit a list of your assets, income and expenses.

Please assemble the documents in the following order:

Your application with the filing fee. See Part 4 FEE for details.

If you are mailing your application to the INS, you must also submit:

- **Form I-765 Signature Card.** If one is not enclosed with your application, ask your local INS office for one. Sign the card in the blue box marked "signature." Your signature must fit within the blue box. DO NOT fold this card when you mail your application.
- A copy of Form I-94 Departure Record (front and back), if available.
- A copy of your last EAD (front and back).
- 2 photos with a white background taken no earlier than 30 days before submission to the INS. They should be unmounted; printed on this paper; glossy; and unretouched. The photos should show a three-quarter front profile of the right side of your face, with your right ear visible. Your head should be bare unless you are wearing a headdress as required by a religious order to which you belong. The photo should not be larger than 1½ X 1 ½ inches, with the distance from the top of the head to just below the chin about 1 1/4 inches. Lightly print your name and your A#, if known on the back of each photo with a pencil.

Part 4. Fee.

Applicants must pay a fee of \$120 to file this form unless noted below. If a fee is required, it will not be refunded. Pay in the exact amount. Checks and money orders must be payable in U.S. currency. Make check or money order payable to "Immigration and Naturalization Service." If you live in Guam make your check or money order payable to "Treasurer, Guam." If you live in the U.S. Virgin Islands make your check or money order payable to "Commissioner of Finance of the Virgin Islands." A charge of \$30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. Please do **not** send cash in the mail.

Initial EAD: If this is your initial application and you are applying under one of the following categories, a filing fee is not required:

- (a)(3) Refugee;
- (a)(4) Paroled as Refugee;
- (a)(5) Asylee;
- (a)(7) N-8 or N-9 nonimmigrant;
- (a)(8) Citizen of Micronesia, Marshall Islands or Palau;

- (a)(10) Granted Withholding of Deportation;
- (a)(11) Deferred Enforced Departure;
- (c)(1) or (c)(4) Dependent of certain foreign government or international organization personnel; or
- (c)(8) Applicant for asylum [an applicant filing under the special ABC procedures must pay the fee].

Renewal EAD: If this is a renewal application and you are applying under one of the following categories, a filing fee is not required:

- (a)(8) Citizen of Micronesia, Marshall Islands, or Palau.
- (a)(10) Granted Withholding of Deportation;
- (a)(11) Deferred Enforced Departure; or
- (c)(1) or (c)(4) Dependent of certain foreign government or international organization personnel.

Replacement EAD: If this is your replacement application and you are applying under one of the following categories, a filing fee is not required:

- (c)(1) or (c)(4) Dependent of certain foreign government or international organization personnel.

You may be eligible for a fee waiver under 8 CFR 103.7(c).

The INS will use The Community Service Administration Income Poverty Guidelines ("Poverty Guidelines") found at 45 CFR 1060.2 as the basic criteria in determining the applicant's eligibility when economic necessity is identified as a factor.

The Poverty Guidelines will be used as a guide, but not as a conclusive standard, in adjudicating fee waiver requests for employment authorization applications requiring a fee.

Part 5. Where to File.

If your response to question 16 is:

(a)(3), (a)(4), (a)(5), (a)(7), or (a)(8)

mail your application to:

INS Service Center
P.O. Box 87765
Lincoln, NE 68501-7765

If your response to question 16 is:

**(a)(6), (a)(11), (a)(13),
(c)(2), (c)(3)(i), (c)(3)(ii), (c)(3)(iii), (c)(5), (c)(6), (c)(7), (c)(8),
(c)(17)(i), (c)(17)(ii), or (c)(17)(iii)**

mail your application based on your address to the appropriate Service Center.

If you live in: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia or the U.S. Virgin Islands, mail your application to:

INS Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

If you live in: Arizona, California, Guam, Hawaii or Nevada, mail your application to:

INS Service Center
P.O. Box 10765
Laguna Niguel, CA 92607-0765

If you live in: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, N. Carolina, Oklahoma, S. Carolina, Tennessee or Texas, mail your application to:

INS Service Center
P.O. Box 851041
Mesquite, TX 75185-1041

If you live elsewhere in the U.S., mail your application to:

INS Service Center
P.O. Box 87765
Lincoln, NE 68501-7765

If your response to question 16 is:

**(a)(10), (a)(12),
(c)(1), (c)(4), (c)(11), (c)(12), (c)(14), (c)(16),
(c)(18)**

apply at the local INS office having jurisdiction over your place of residence.

EAD Applicants Filing under Classifications Created by the LIFE Act.

If your response to question 16 is **(c)(14) or (c)(24)**, mail your application to:

United States Immigration and Naturalization Service
Post Office Box 7219
Chicago, IL 60680-7219

If your response to question 16 is **(a)(9)**, mail your application to:

United States Immigration and Naturalization Service
Post Office Box 7218
Chicago, IL 60680-7218

If your response to question 16 is **(a)(15)**, mail your application to:

United States Immigration and Naturalization Service
Post Office Box 7216
Chicago, IL 60680-7216

NOTE:

If your response to question 16 is **(c)(1), (c)(4)**, your application will be mailed to the Nebraska Service Center by the Department of State.

If your response to question 16 is **(c)(7)**, your application will be mailed to the Nebraska Service Center by NATO/SACLANT.

If your response to question 16 is **(c)(8)** under the special ABC filing instructions and you are filing your asylum and EAD applications together, mail your application to the office where you are filing your asylum application.

If your response to question 16 is **(c)(9)**, file your application at the same local INS office or Service Center where you submitted your adjustment application.

If your response to question 16 is **(c)(10)**, and you are a NACARA 203 applicant eligible to apply for relief with the INS, or if your I-881 application is still pending with INS and you wish to renew your EAD, mail your EAD application with the required fee to the appropriate INS service center below:

- If you live in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, the U.S. Virgin Islands, Vermont, Virginia, West Virginia or Wyoming, mail your application to:

USINS Vermont Service Center
75 Lower Welden St.
St. Albans, VT 05479-0001

- If you live in Alaska, Arizona, California, the Commonwealth of Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, Ohio, South Dakota, Washington, or Wisconsin, mail your application to:

USINS California Service Center
P.O. Box 10765
Laguna Niguel, CA 92607-0881

You should submit the fee for the EAD application on a separate check or money order. Do not combine your check or money order with the fee for the Form I-881.

If your response to question 16 is **(c)(10) and you are not eligible to apply for NACARA 203 relief with INS**, but you are eligible for other deportation or removal relief, apply at the local INS office having jurisdiction over your place of residence.

Part 6. Processing Information.

Acceptance. An application filed without the required fee, evidence, signature or photographs (if required) will be returned to you as incomplete. You may correct the deficiency and resubmit the application; however, an application is not considered properly filed until the INS accepts it. If your application is complete and filed at an INS Service Center, you will be mailed a Form I-797 receipt notice.

Decision on your application.

- **Approval.** If approved, your EAD will either be mailed to you or you may be required to appear at your local INS office to pick it up.
- **Request for evidence.** If additional information or documentation is required, a written request will be sent to you specifying the information or advising you of an interview.
- **Denial.** If your application cannot be granted, you will receive a written notice explaining the basis of your denial.

No decision.

- **Interim EAD.** If you have not received a decision within 90 days of receipt by the INS of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995, you may obtain interim work authorization by appearing in person at your local INS district office. You must bring proof of identity and any notices that you have received from the INS in connection with your application for employment authorization.

Part 7. Other Information.

Penalties for Perjury. All statements contained in response to questions in this application are declared to be true and correct under penalty of perjury. Title 18, United States Code, Section 1546, provides in part:

... Whoever knowingly makes under oath, or as permitted under penalty of perjury under 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement-shall be fined in accordance with this title or imprisoned not more than five years, or both.

The knowing placement of false information on this application may subject you and/or the preparer of this application to criminal penalties under Title 18 of the United States Code. The knowing placement of false information on this application may also subject you and/or the preparer to civil penalties under Section 274C of the Immigration and Nationality Act (INA), 8 U.S.C. 1324c. Under 8 U.S.C. 1324c, a person subject to a final order for civil document fraud is deportable from the United States and may be subject to fines.

Authority for Collecting this Information. The authority to require you to file Form I-765, Application for Employment Authorization, when applying for employment authorization is found at 8 CFR 274A(b)(1)(C)(iii). Information you provide on your Form I-765 is used to determine whether you are eligible for employment authorization and for the preparation of your Employment Authorization Document if you are found eligible. Failure to provide all information as requested may result in the denial or rejection of this application. The information you provide may also be disclosed to other federal, state, local and foreign law enforcement and regulatory agencies during the course of the INS investigations.

Paperwork Reduction Act. An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The Immigration and Naturalization Service (INS) tries to create forms and instructions which are accurate and easily understood. Often this is difficult because immigration law can be very complex. The public reporting burden for this form is estimated to average three (3) hours and twenty-five (25) minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. The INS welcomes your comments regarding this burden estimate or any other aspect of this form, including suggestions for reducing this burden to Immigration and Naturalization Service, HQPDI, 425 I Street, N.W., Room 4034, Washington, DC 20536; OMB No. 1115-0163. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

